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STAT had the option of returning to the GPO if they elected not to accept CIA employment. [redacted] was in this category. GPO employees who were on the rolls of the Main Building Plant when its control was transferred from Department of State to GPO on 1 February 1947 and GPO employees who had been recruited by GPO specifically for the Main Building Plant were not given the option of returning to the GPO for assignment. [redacted] was of this group.

STAT The above agreement was explained to all employees concerned by GPO officials, Plant officials, and a representative of the Agency's Office of Personnel. Our basic CIA personnel program and policies were explained to the GPO employees. This was a matter of great interest, particularly to those having the option to return to GPO. Needless to say, the Chief, Printing Services Division, CIA, was most anxious that a large segment of this veteran force not pick up stakes and return to GPO. Insofar as our salary policy was concerned, it was pointed out that we already followed the GPO system for certain journeyman jobs in our [redacted] Plant and that it was our intent to continue to apply, insofar as we could, the wage rates and associated benefits which they had as GPO employees. Further, that some situations could develop whereby some deviation might be necessary, such as in the case of the then pending attempt by Printers of the GPO to obtain a 37½ hour work week. Memorandum to Chief, Management Staff, 9 January 1957 was submitted in documentation of the "commitment" given (tab 2). All personnel of the GPO Plant who accepted CIA employment was transferred at their existing GPO pay rates and fringe benefit privileges. [redacted]

On 29 March 1957, a new Table of Organization was approved which established a new organizational structure for the Main Building Plant and which established certain Supervisory positions in the General Schedule at higher compensation rates than applied under the GPO system. The jobs concerned had been "Single Annual Rate" positions under GPO and many had been the subject of requests to GPO for higher rates for some time, but appropriate adjustments in the view of the Chief of the Plant had not been made. These positions were aligned with existing CIA Printing Supervisor positions in the [redacted] Plant and GS grades were established in lieu of the existing GPO rates.

STAT On 5 May 1957, [redacted] was promoted from his GPO annual rate of \$6,622 p.a. (Day), \$7,615 p.a. (Night) to GS-12, \$7,570 plus 10% night differential which provided him an annual rate of approximately \$8,135. On 1 December 1957 he was promoted to GS-13 and was compensated at the rate of \$8,990 p.a. plus 10% night differential to total approximately \$9,664. This rate was adjusted to \$9,890 and \$10,692 with night differential on 12 January 1958 as a result of a GS Pay Schedule increase. Throughout this period he served on the same job.

STAT [ ] appointed to CIA at his former GPO rate of \$7,010 p.a., received a GP Schedule wage adjustment to \$7,943 on 19 May 1957. On 2 June 1957 he was detailed from the day shift to the night shift and served there regularly and continuously for the former Night Shift Production Planner. A memorandum regarding this matter, dated 19 June 1957, is attached as Tab-3. This position, formerly compensated under the GPO system, had been changed to GS-12, \$7,570 base rate, on 29 March 1957 as part of the reclassification of managerial positions mentioned in paragraph 6. [ ] was promoted to GS-12 on 22 September 1957 with his pay adjusted from the GPO schedule rate of \$7,943 May 1957 Right: to the base GS-12 rate of \$7,570 plus 10% night differential. He subsequently received the 12 January 1958 pay increase applicable to GS positions resulting in a rate of \$8,330 plus 10% night differential.

STAT Under the GP Schedule, all personnel receive 15% night differential for all hours worked if more than half the tour is between 6:00 p.m. and 6:00 a.m. Overtime is paid at time and one-half without maximum limit on salary rate. Leave taken is paid at the night rate if personnel have a regular night tour of duty. Under the GS pay system, personnel receive 10% night differential for all hours worked between 6:00 p.m. and 6:00 a.m. They are limited to the equivalent of the maximum scheduled rate of GS-9 as the rate used in computing the time and one-half overtime differential. They do not receive night differential for eight or more hours of leave taken even though they are on a regular night tour of duty. The regular night tour of duty for Printing Plant personnel is 4:00 p.m. to 12:30 a.m., which means that GS personnel receive night differential for but 6 hours of the 8 hour tour.

The Comptroller General has ruled (34 Compt. Gen. 706), that the night rate of compensation of an employee occupying a prevailing rate position and a regular night tour of duty constitutes his basic compensation. This differs from treatment accorded GS personnel, for whom basic compensation is defined as comprising the day rate. (See 5 USC 673c).

The use of GS Schedule for managerial positions in the Printing Plant is considered within the administrative discretion of CIA management (63 Stat. 208, 50 USC 403a (1956) P. L. 81-110). Uniform pay treatment of managerial personnel in the printing trades is considered essential and has been accomplished by the use of the GS system with generally satisfactory results. A pay differential for such managerial personnel over printers supervised has been maintained through utilization of appropriate GS grades with cognizance taken in establishing such grades of the more liberal overtime and night rates authorized for wage administration personnel.

A comparison has been made of the pay [ ] would have received had CIA followed strictly the GPO schedule for his position with the pay rates he received since 5 May 1957 under the GS Schedule. A reconstruction indicates he would have received \$24,035, conditions remaining the same, including premium pay under the GPO Schedule as compared with \$28,756 claimed as the correct pay by the Office of the Comptroller. Thus it would appear that he has benefited by our decision

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to convert his position to the GS Schedule and the Agency has not in fact deprived him of equivalent treatment to that which he would have received under GPO. Attention is invited to a decision reported in 26 Compt. Gen. 514 which may have bearing on this case.

Action also was taken to compare compensation rates [redacted] would have received in GPO with that he received in CIA. A review of this record reveals one pay adjustment which may have been improper and resulted in a considerable underpayment. As mentioned previously, [redacted] was detailed to the night shift on 2 June 1957, although his official title on the Form 50 continued to be Negative Engraver (Sup.) - Production Planner (Day). We feel that the information shown in Tab. 2 is sufficient to establish the fact that this detail of over three months during which he was compensated at the night GPO rate constituted a regular night tour of duty and therefore he was entitled to use the night rate of \$8,444 per annum as his basic compensation in connection with the 22 September 1957 promotion to GS-12. (30 Compt. Gen. 94). He was actually promoted from the GP day rate of \$7,343 to the base GS-12 rate of \$7,570. If the night rate of \$8,444 is determined to be his basic compensation, he was entitled to receive not less than this amount upon promotion to GS-12, whereas he actually received, including 10% night differential, a salary of \$8,138 p.a. The lowest scheduled rate in GS-12 which would assure him no loss in basic compensation is that of \$8,000 p.a. or \$8,600 p.a. including night differential. Effecting this adjustment retroactively is permissible since Federal Civil Service and Agency policy provides for a mandatory system of pay adjustment upon promotion to provide that basic compensation received in wage administration positions be used in determining the rate received upon reassignment or promotion to GS positions, and that the individual receive not less than this previous rate if it is within the range of the GS grade. (Federal Personnel Manual, 21-318 Sec. 25 103). If the promotion action of 22 September 1957 is reprocessed at the \$8,000 p.a. rate, all subsequent personnel actions would have to be reprocessed at appropriate higher rates.

In the case of [redacted] under the circumstances as outlined above, may they retain payments actually made during this period for night differential paid for the hours of 4 to 6 p.m. and while on annual leave?

Should [redacted] when on 22 September 1957, was promoted to the GS-12 position, have had his night differential included as basic compensation when determining which step of GS-12 he should have been paid, on initially entering GS-12? If so, is he entitled to have the promotion action of 22 September 1957 and all subsequent actions reprocessed at the higher appropriate rate?

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If any further assistance is needed, contact may be had with  
the undersigned

Sincerely yours,

Authorized Certifying Officer

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Attachments